

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI

SAMUEL HOFFMEYER,	:	Case No. 1:21cv109
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
ANNETTE CHAMBERS SMITH,	:	
Director, ODRC, et al.,	:	
	:	
Defendants.	:	

---

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 4), OVERULING  
OBJECTION, AND TERMINATING CASE

---


The Court has reviewed the Report and Recommendation of Magistrate Judge Karen L. Litkovitz (Doc. 4), to whom this case is referred pursuant to 28 U.S.C. § 636(b). In the Report, Magistrate Judge Litkovitz explains that Plaintiff's action raises claims that are related to an earlier action filed in this Court on August 18, 2020 (1:20cv637). "To the extent that plaintiff seeks to add additional defendants or claims relating to the initial lawsuit, the proper procedure is to file a motion to amend in that action." (Doc. 4 at 2.) That action remains pending.

Plaintiff filed a request to extend the time to file objections to the Report. (Doc. 6.) He also filed a request to re-open the complaint. (Doc. 7.) Both filings were timely. The latter filing essentially states his objection to the Report. So the Court will construe his request to re-open the complaint as a timely-filed objection. That makes his extension request moot.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon review, the Court finds that Plaintiff's objections are not well-taken and are accordingly **OVERRULED**. The Court **ADOPTS** the Report and Recommendation (Doc. 4) in its entirety. Accordingly, the Court orders as follows:

1. Plaintiff's complaint is hereby **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B).
2. Plaintiff's request for extension (Doc. 6) is **DENIED AS MOOT**.
3. Plaintiff's request to re-open complaint (Doc. 7) is **OVERRULED** and **DENIED**.
4. This action is hereby **TERMINATED** on the Court's docket.
5. The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a) that, for the reasons expressed in the Report, an appeal of this Order adopting the Report would not be taken in good faith, and therefore **DENIES** plaintiffs leave to appeal *in forma pauperis*. See *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997), *overruled on other grounds*, *Jones v. Bock*, 549 U.S. 199, 203 (2007). Plaintiffs remain free to apply to proceed *in forma pauperis* in the Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
By:   
JUDGE MATTHEW W. McFARLAND